

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, OCTOBER 18 AND 19, 2010  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of October 18 and 19, 2010, as follows:

**CLOSED SESSION MEETING FOR MONDAY, OCTOBER 18, 2010**

(Closed Session Items were heard on Tuesday, October 19, 2010.)

**CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 19, 2010**

**ROLL CALL:**

Present: Mayor Sanders and Councilmembers Lightner, Gloria, Young, Frye, and Emerald

Absent: Council President Hueso – Dist. 8 (Absent for Items CS-3, 4, 5, 6, and 7)  
Council President Pro Tem Faulconer – Dist. 2 (Absent for Items CS-3, 4, 5, and 7 (Item CS-6 – arrived late at 9:17 a.m.))  
Councilmember DeMaio - Dist. 2 (Absent for the Meeting.)

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1** *City of San Diego v. Kinder Morgan, et al.*  
United States District Court Case No. 07-CV-1883 (MMA)

DCAs Assigned: D. Bamberg and J. Taylor  
Outside Counsel: Tatro Tekosky and Sadwick, Rene Tatro, Steve Tekosky and David Sadwick

Report: Nothing to report.

**CS-2** *City of San Diego v. San Diego Gas & Electric*  
San Diego Superior Court Case Nos. 37-2008-00093084-CU-NP-CTL  
and 37-2008-00093085-CU-NP-CTL

DCA's Assigned: D. Bamberg and B. Bailey

Report: Nothing to report.

**CS-3** *Scott Kessler v. City of San Diego*  
San Diego Superior Court Case Number 37-2009-00092899

DCA Assigned: T. Phelps

Report: Nothing to report.

**CS-4** *David Egger v. City of San Diego, et al.*  
San Diego Superior Court Case No. 37-2009-00094404-CU-PO-CTL

DCA Assigned: M. McGowan

Report: Nothing to report.

**Conference with Legal Counsel - anticipated litigation - significant exposure to litigation,  
pursuant to California Government Code section 54956.9(b):**

**CS-5 Number of Cases: One**

DCA Assigned: A. Dixon

Report: Nothing to report.

**Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to  
California Government Code section 54956.9(c)**

**CS-6** *City of San Diego vs. Promote La Jolla, Inc. et al.*

DCA's Assigned: D. Bamberg and C. Welch

Report: Nothing to report.

**CS-7 Number of Cases: One**

Motion: To initiate Litigation  
Moved: Councilmember Emerald - Dist. 7  
Seconded: Councilmember Lightner - Dist. 1  
Vote: 5/3 [Passed] with Council President Hueso, Council President Pro Tem  
Faulconer, and Councilmember DeMaio absent

THE CLOSED SESSION MEETING REPORT  
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Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, October 19, 2010, @5:18 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. 7, to initiate litigation. Once formally commenced, the action to defendants and other particulars shall be disclosed to any person upon inquiry unless to do so would jeopardize effective service of process or settlement negotiations.

The motion passed 5 to 0 with Council President Hueso, Council President Pro Tem Faulconer, and Councilmember DeMaio absent.

REPORTED BY: \_\_\_\_\_

  
Mary Jo Lanza fame  
Assistant City Attorney